



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/961,345

09/25/2001

Tetsuo Nakata

1538.1017

5887

21171 7590 08/06/2008

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

HAIDER, FAWAAD

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/961,345	Applicant(s) NAKATA ET AL.	
	Examiner FAWAAD HAIDER	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-16, 18-28, 30-44 and 46-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-16, 18-28, 30-44 and 46-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claim 54 in the reply filed on 4/24/2008 is acknowledged. The traversal is on the ground(s) that dependent claim 6 has the limitation as claim 54. This is not found persuasive because claim 54 discloses new limitations such as providing the customer with a reward upon confirmation of a delivery in accordance with the determined delivery parameters, and determining delivery parameters for the shipment request based on the registered delivery information.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim: 1-4, 7-9, 11, 13-16, 18-28, 30-44, and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0107820 (hereinafter "Huxter") in view of U.S. Patent Application No. US 6,085,170 (hereinafter "Tsukuda").

Regarding **claims 1, 18, 34, and 50**, Huxter discloses receiving and registering schedule information regarding a form of receiving of a package addressed to a member from the member (see page 5, paragraph #106); receiving a shipment request from a sender of a package (#0183); determining a delivery form with reference to at least the receiver's schedule information registered in said receiving and registering step when said receiver is a member (see page 5, paragraph #116); when said delivery form determined in said determining step involves a movement of said package, generating delivery request information for a distributor in accordance with said delivery form (see page 5, paragraph #116).

However, Huxter fails to disclose a family member or lodger receiving the package. Tsukuda discloses a family member or lodger receiving the package (see col.1, lines 27-30). Tsukuda also discloses wherein said determining comprises referring to the schedule information of at least one of the registered family member of said customer member and the registered lodger of said customer member to make one of the registered family member and the registered lodger receive the package delivered to an address of said customer member, when said customer member to receive the package is unavailable for receiving (see Figures 1, 3-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huxter's invention with Tsukuda's use of a family member or lodger receiving the package in order to "establish a smooth delivery system of the purchased commodities or goods (See col.1, lines 23-25)."

[**claim 2**] Huxter also discloses when said delivery form determined in said determining step involves a movement of the package, registering scheduled delivery information in said receiver's schedule information (see page 5, paragraph #116); [**claim 3**] sending said distributor information regarding said delivery form determined in said determining step before starting to deliver said package (see page 5, paragraph #11); [**claim 4**] receiving a delivery completion notice including receiving status data from said distributor (see page 2, paragraph #17); [**claim 7**] receiving and registering information regarding a fixed delivery charge from said distributor after said package is received by said distributor (see page 15, paragraphs #245-246); [claim 8] there is a case where said delivery form is determined as undeliverable in said determining step (see page 16, paragraph #256); [**claim 9**] including information regarding a determined as undeliverable in said sending said sender a deliverable date when said delivery determining step (it is inherent that the e-tailer will be notified when a package is undeliverable); [**claim 11**] said generating step, when said delivery form is determined as forwarding or keeping in said determining step, delivery request information addressed to said distributor is generated by using forwarding. destination information or keeping place information registered for said receiver in advance (see page 16, paragraph #255).

[**claim 13**] Huxter further discloses when a delivery request to a non-member is received from a sender of a package, registering information of said non-member included in said delivery request as provisional member information; sending a member registration request to said non-member; and sending information registered as said

provisional member information to said non-member when membership registration is requested from said nonmember (see page 7, paragraph #148); [**claim 14**] wherein in said receiving and registering step, schedule information regarding a form of receiving said package addressed to said member is received as a predetermined template selection instruction from said member (see page 5, paragraph #106)) [**claim 15**] wherein said determining step comprises a step of sending a schedule input request to said receiver when said receiver's schedule information indicates it is not fixed (see page 16, paragraph #255); and [**claim 16**] wherein said determining step comprises a step of sending said sender a notice indicating scheduling in progress (see page 5, paragraph 106). Huxter discloses a program, apparatus, and method as set forth in claims 18-28, 30-44, and 46-53, which are similar to previously addressed claims 1-4, 7-9, and 11-16.

4. Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huxter in view of Tsukuda as applied to the claims above, and further in view of U.S. Patent Application No. US 2002/0126813 (hereinafter "Partovi").

The combination of Huxter and Tsukuda disclose all claimed elements as set forth above in paragraphs 3-4, but fail to explicitly disclose the use of giving the customer a reward for correct registration.

Partovi teaches the use of providing a reward for registering (see paragraph [0060]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter/Tsukuda with a registration reward as taught by

Partovi, because rewarding customers increases the likelihood that customers will do events desired by businesses.

5. Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huxter in view of Tsukuda as applied to the claims above, and further in view of view of U.S. Patent Application No. US 2002/0072945 (hereinafter "Yang").

Regarding **claims 51-53**, Huxter discloses wherein the receiving and registering schedule information is carried out asynchronously with the determining and is carried out without relationship with a specific shipment request (see page 5, paragraph # 116). Huxter fails to disclose the plurality of days with predetermined period of the schedule information carried out in advance of a shipment request and the receiving and registering schedule information is carried out without relationship with a specific shipment request.

Yang teaches method of package delivery and pickup including schedule information comprising at least one of the forms of receiving the package addressed to the member for each of a plurality of days within a predetermined period (see page 4, paragraphs 0060-0062).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter/Tsukuda with schedule information related to a plurality of days as taught by Yang because delivering items when the receiver is likely available to accept the items increases the efficiency of the delivery service, wherein decreasing the expense related to unsuccessful delivery attempts.

Response to Arguments

6. Applicant's arguments filed 4/24/2008 with respect to claims 1-4, 7-9, 11, 13-16, 18-28, 30-44, and 46-53 have been fully considered but they are not persuasive. First, the applicant argues that Tsukuda does not disclose (in claims 1, 18, 34, 50), "registering schedule information concerning at least one of a family member..." and "said determining comprises referring to the schedule information of at least one of the registered family member." The Examiner disagrees. In column 1, lines 27-30, it discusses "technology with which the delivery of the commodities or goods can be done even in an instance of absence of family members at home." This means that it would be obvious to one of ordinary skill in the art at the time of the invention for family members to obtain packages for others. Then, in Figures 1, 3-6, there is a disclosure of schedule information of at least one of the registered family member.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

/Fawaad Haider/
Examiner
Art Unit 3627

FIH

Application/Control Number: 09/961,345
Art Unit: 3627

Page 9